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STATE OF CALIFORNIA  
**Office of the Auditor General**

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May 5, 1983

Letter Report P-323

Honorable Art Agnos  
Chairman, and Members of the  
Joint Legislative Audit Committee  
State Capitol, Room 3151  
Sacramento, California 95814

Dear Mr. Chairman and Members:

We have reviewed the publication of a document issued by the Resources Agency entitled "California's New Pesticide Regulations and You." The objective of this review was to respond to specific questions concerning the appropriateness of the State's issuing a publication prepared by a private organization. Specifically, we were asked to determine the following: if the information contained in the pamphlet was prepared by a private organization; if the pamphlet was published with state funds; the cost of printing and distributing the pamphlet; and the legality of using state funds to publish information prepared by a private organization.

Our review disclosed that the text of the pamphlet released by the Resources Agency had been prepared by the Environmental Defense Fund, Inc., a private organization. We also learned that state funds were used to publish the document and that the cost to the State of printing and distributing the pamphlet totaled approximately \$3,231. We asked the Legislative Counsel for an opinion regarding the legality of using state funds to publish information prepared by a private organization. The Legislative Counsel responded that public funds may be spent to print and distribute such information.

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## BACKGROUND

The Secretary of the Resources Agency is responsible directly to the Governor for the management, preservation, and enhancement of California's air, water, and land; the State's natural, wildlife, and recreational resources; and the general coordination of environmental programs.

In December 1982, the Resources Agency released a public information pamphlet entitled "California's New Pesticide Regulations and You." The purpose of the pamphlet is to inform the public on how to use California's pesticide control regulations to protect persons and the environment from the misuse of restricted pesticides. The pamphlet describes a "restricted pesticide" as a pesticide with a serious potential for environmental damage, adverse effect to human health, or possible misuse. Individuals must obtain a permit to use restricted pesticides. The pamphlet explains the purposes of certain regulations, the majority of which became effective in 1980. It also explains how to obtain information about restricted pesticide use, how to determine if restricted pesticides are used illegally, and what to do if a restricted pesticide is used illegally or improperly. In addition, the pamphlet contains an appendix explaining how to appeal decisions permitting the application of restricted pesticides. In addition, the pamphlet's appendix contains a list of restricted pesticides.

## SCOPE AND METHODOLOGY

This review answers specific questions posed by the Legislature addressing the Resources Agency's release of a pamphlet pertaining to new pesticide regulations. To determine the source of the information contained in the pamphlet and if state funds were used in its publication, we interviewed officials from the Resources Agency, the Department of Water Resources, the Department of Food and Agriculture, and the Office of Planning and Research. We also reviewed pertinent documentation prepared by these agencies.

To determine the cost of printing the pamphlet, we reviewed appropriate reproduction orders located at the Department of Water Resources. We obtained an estimate of the cost of distributing the pamphlet from the Assistant Deputy Secretary

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of the Resources Agency. Finally, to determine the legality of using state funds to produce and distribute the pamphlets, we asked the Legislative Counsel for an opinion.

Most of the state officials responsible for the decision to publish the pamphlet are no longer associated with the agencies they represented. We therefore obtained much of the information contained in this report from current officials in these agencies.

### ANALYSIS

In the following sections, we discuss the source of the information contained in the pamphlet on pesticide regulations, whether state funds were used to publish the pamphlet, the cost of printing and distributing the pamphlet, and the legality of using state funds to print and distribute information prepared by a private organization.

#### Source of Information Contained in the Pamphlet

We were asked if the information contained in the pamphlet entitled "California's New Pesticide Regulations and You" was prepared by the Environmental Defense Fund, Inc. A footnote to the pamphlet's table of contents ascribes the pamphlet's preparation to the Environmental Defense Fund, Inc. Further, we were told by the Assistant Deputy Secretary of the Resources Agency that "It is the understanding of those presently with the Agency that none of the writing [of the pamphlet] was done by agency personnel." Finally, the Director of the Department of Food and Agriculture indicated that the pamphlet was written by the Environmental Defense Fund, Inc., a private organization dedicated to environmental protection and conservation.

#### Use of State Funds to Publish the Pamphlet

We were also asked if the Resources Agency published the pamphlet with state funds. We found that the cost of printing the pamphlet was paid out of funds allocated to the Office of Planning and Research.

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On December 13, 1982, an interagency agreement between the Office of Planning and Research and the Department of Water Resources authorized the printing of 6,000 pamphlets pertaining to new pesticide regulations. The amount to be expended under this agreement was not to exceed \$4,000. The Office of Planning and Research's project manager for this agreement told us that the former director of the Office of Appropriate Technology directed her to initiate this agreement with the Department of Water Resources. The project manager also told us that General Fund monies allocated to the Office of Planning and Research were used to print the pamphlet.

The Assistant Deputy Secretary of the Resources Agency told us that the agency occasionally advertises new regulations and new legislation to the public. For example, the Resources Agency publishes the "California EIR Monitor," a report addressing matters dealing with the California Environmental Quality Act. In addition, he said that the pamphlet could have been prepared by agency staff. Since the information in the pamphlet had already been prepared by another organization, the agency considered it as available information for which the agency would not have to use staff or resources to develop.

#### Costs of Printing and Distributing the Pamphlet

We were asked to determine the cost for printing and distributing the pamphlet. Our review of reproduction orders at the Department of Water Resources indicated that the cost for printing 6,000 pamphlets was \$3,156. The pamphlets were distributed by both the Resources Agency and the Environmental Defense Fund, Inc. The Assistant Deputy Secretary of the Resources Agency estimated that the cost for distributing the State's portion of the pamphlets was \$75. The pamphlet was sent to county agricultural commissioners, various environmental organizations, and individuals who requested copies of the pamphlet.

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Legality of Printing and  
Distributing the Pamphlet

Finally, we were asked to determine if state funds may legally be spent to print and distribute a pamphlet prepared by a private organization. We asked the Legislative Counsel to provide this information. The Legislative Counsel responded that public funds may be spent to print and distribute the pamphlet.

CONCLUSION

Our review disclosed that the pamphlet released by the Resources Agency had been prepared by a private organization, the Environmental Defense Fund, Inc. We also learned that state funds were used to publish the document. Further, we found that the cost to the State of printing and distributing the pamphlet totaled approximately \$3,231. Finally, the Legislative Counsel indicated that public funds may be spent to publish information prepared by a private organization.

We conducted this audit under the authority vested in the Auditor General by Section 10500 et seq. of the California Government Code and according to generally accepted government auditing standards. We limited our review to those areas specifically contained in the audit request.

Respectfully submitted,

  
THOMAS W. HAYES  
Auditor General

Audit Completion Date: May 2, 1983

Staff: Robert E. Christophel, Audit Manager  
Murray Edwards

Attachments: Responses to the Auditor General's Report  
Resources Agency  
Department of Food and Agriculture

# Memorandum

To : Thomas W. Hayes  
Auditor General  
Office of the Auditor General  
660 J Street, Suite 300

Date : April 19, 1983

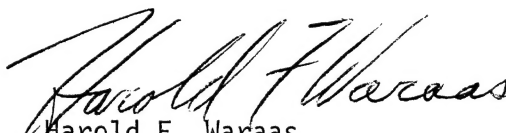
File No.:

Subject :

From : **Office of the Secretary**

We have reviewed your draft Letter Report P-323 relating to the document issued by the Resources Agency in December 1982 entitled "California's New Pesticide Regulations and You." To our knowledge the report is accurate in regard to the facts presented.

Thank you for the opportunity to review and comment on the report.

  
Harold F. Waraas  
Assistant Deputy Secretary

## DEPARTMENT OF FOOD AND AGRICULTURE

1220 N Street  
Sacramento  
95814



April 22, 1983

Mr. Thomas W. Hayes  
Auditor General  
660 J Street, Suite 300  
Sacramento, California 95814

Dear Mr. Hayes

Your draft report concerning the Resources Agency's publication of the pamphlet entitled, "California's New Pesticide Regulations and You" has been reviewed by staff.

We do not find anything in the report to be contrary to our understanding of the situation.

Sincerely

*Hans Van Nes*  
for Hans Van Nes  
Clare Berryhill  
Director